

# American Citizen Services

## Embassy of the United States of America - Kingston, Jamaica

### Arrest and Imprisonment in Jamaica

#### What the Embassy Cannot Do

- A consular officer cannot demand your release.
- A consular officer cannot lend you money, cash checks, or post bail for you.
- A consular officer cannot provide you with legal advice or represent you in court.
- A consular officer cannot recommend or select an attorney for you.

#### What the Embassy Can Do

- A consular officer can and will contact you as soon as possible after the Embassy is notified that you have been arrested, and will visit you in jail to check on the treatment you are receiving.
- A consular officer can protest mistreatment or abuse to the appropriate authorities.
- A consular officer can follow the progress of your case in the judicial process. If necessary, a consular officer can act as a liaison between you, your lawyer, the court and the prosecutor.
- A consular officer can and will, if you are confined over a long period of time, visit you at least once every four months.
- A consular officer can notify your family and/or friends, and pass on messages to them.
- A consular officer can give you a list of local attorneys and help you contact the one of your choice.

#### Procedures Following Arrest

- A person in custody awaiting trial or bail will normally be kept in a police lock-up attached to the police station responsible for the arrest, not in a prison.
- Often the police will confiscate the passport and other documents of someone awaiting trial. The person's passport may be returned after bail is posted, at the judge's discretion.
- In minor offenses, an accused person will be brought before a Resident Magistrate. This usually happens within a week, but cases are frequently delayed due to absent witnesses and unprepared prosecutors. If the accused pleads guilty, he/she is often given a fine and/or a short prison sentence.
- More significant offenses will be dealt with in the Resident Magistrate's Court. A "not guilty" plea will result in an adjournment to allow the prosecution and the defense to prepare their cases.
- For serious offenses (e.g. murder, rape, and robbery with violence), the accused person is usually brought before a Resident Magistrate for a bail hearing and then bound over for a preliminary enquiry to determine whether there is enough evidence to go to a jury. Evidence may be presented by both sides at the hearing. **An attorney would be very useful at this juncture.** If the magistrate decides that there is a prima facie case (enough reason to believe the case has merit), the accused will be tried in the Supreme Court before a judge and a jury, except in firearm cases where the prisoner is tried by a judge alone. **The lapse of time between arrest and trial for a serious offense will usually be about 6-9 months.**
- Legal representation in the Supreme Court is expensive, although persons accused of serious offenses are entitled to Legal Aid from the state if they are unable to afford legal representation. In such cases, the court appoints an attorney for the accused, whom the accused can either accept or reject. Prisoners with their own funds may select their own attorney.

**In anything but the most minor offenses, it would be prudent to retain a Jamaican attorney as the rules of evidence and trial procedure, although sometimes similar to those in the United States, are often very different.**

### **Sentences**

Sentences will usually be either a fine or a prison term. There is no death penalty in Jamaica. Many offenses, such as murder and treason, carry a maximum sentence of life imprisonment. Minor drug charges, which account for a large part of U. S. citizen arrests, carry sentences that range from a small fine to a few years in prison.

### **Police Powers**

The police **may not**:

- Compel you to accompany them to a police station without having arrested you.
- Compel you to answer any questions or make a statement.
- Take your fingerprints without your permission or a court order.



### **Additional Information**

- The arrested person has the right to be told the nature of the charge(s) against him or her.
- The arrested person has the right to telephone an attorney, friend or relative, or, if a non-Jamaican, his or her consular representative.
- The arrested person has the right to remain silent until he or she has spoken to his attorney.
- The arrested person has the right to speak to his attorney, or the consul, out of the hearing of the police, even if it is within their line of sight.
- If refused bail by the police, the arrested person has the right to be taken before a Justice of the Peace within three days, in order to make an application to him.
- While there is no right to be visited by friends, the police will **usually** permit it.
- Friends and relatives may bring food, clothing, and toiletries to a person while he or she is in the police lock-up. Persons bringing in food may be required to eat a random sample selected by the police.
- Relatives may send money through the Department of State to pay for fines or food at the prison.

### **Contact Information**

**142 Old Hope Road  
Kingston 6, Jamaica  
(876) 702-6470  
KingstonACS@state.gov**

**Jamaica is a sovereign country and U. S. citizens in Jamaican are subject to all Jamaican laws. The U. S. Constitution is not applicable in Jamaica, and U. S. citizens do not receive preferential treatment. The U.S. Embassy cannot get you out of jail.**